

REMARKS

The Office Action mailed July 13, 2004 has been carefully considered. Applicants request that the Examiner consider the following remarks, and then pass the application to allowance.

Pending Claims

Claims 1-30, 32-34, 36-38 and 40-44 are pending. Claims 31, 35 and 39 have been previously cancelled.

Art Rejection

In the Office Action, claims 1-30, 32-34, 36-38 and 40-44 were rejected under 35 U.S.C. § 102(e) as being anticipated by Dodd (U.S. Pat. App. No. 6,633,849). Applicants respectfully submit that Dodd does not disclose all of the claimed elements as stated in the rejection. As understood, Dodd discloses a method and system for automatically forwarding a gift from a donor to a recipient with the ability of the recipient to exchange the gift if needed. (Dodd, Col. 1, lines 63-67). More specifically, as described in Column 3, lines 40-62 of Dodd, the gift giver accesses the gift server node as a website to select the product for the recipient. Once the product is selected, an electronic mail message is sent to the recipient indicating the type of gift. The recipient can view the product selection and determine whether he or she wants to accept, exchange, or forward the product. If the recipient accepts the product, then the gift is sent. If the recipient wants to exchange the gift, then an electronic gift certificate is issued to the recipient. Alternatively, the recipient can forward the product to another recipient.

Applicants respectfully submit that Dodd does not disclose each and every claim element as required for a valid rejection of independent claims 1, 8, 15, 22, 29, 33, 37 and 41 under 35 U.S.C. § 102(e). Specifically, Dodd does not teach or suggest a first user making product selections in order to generate a web page that contains stored order selections and then sending the address of the web page to a recipient in order for the recipient to purchase the stored order for the sender of the e-mail. Dodd is concerned with the mechanism whereby a receiver of a gift can have the option of exchanging or returning the gift. In this respect, Dodd teaches the gift giver selecting the products whereby the message that is sent to the recipient includes information about the products that the gift giver wants to give the recipient. As described by Dodd, the recipient has the option of accepting the gifts, forwarding the gifts, or receiving a gift certificate applicable to the purchase of other products.

On the other hand, as described by the independent claims of the present invention, the first user selects the gifts that he or she wants. The email message sent to a recipient includes a link to a web page which shows the products that can be purchased. The recipient has the option of either purchasing or not purchasing the products for the first user.

Applicants respectfully submit that Dodd does not anticipate the independent claims of the present invention because Dodd does not teach or suggest the recipient of the email message having the ability to purchase gifts for someone else. In fact, Dodd teaches the opposite proposition whereby the recipient of the email message has the ability to accept, exchange or forward the gifts bought by the sender of the email message who was the purchaser of the gifts. Accordingly, Dodd

does not disclose all of the elements of independent claims 1, 8, 15, 22, 29, 33, 37 and 41.

Conclusion

Applicants respectfully submit that independent claims 1, 8, 15, 22, 29, 33, 37 and 41 are in condition for allowance as are claims 2-7, 9-14, 16-21, 23-28, 30, 32, 34, 36, 38, 40, and 42-45 as being dependent upon a respective allowable base claim. As such, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance. Such allowance is respectfully requested. If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 13, 2004

By: 

Eric K. Proul
Registration No. 45,025

P.O. Box 1404
Alexandria, Virginia 22313-1404
(650) 622-2300